

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 16 March 2004. Responsive to the rejections made in the Official Action, Claims 1 and 17 have been amended to clarify the combination of elements which form the invention of the subject Patent Application. Additionally, Claims 2, 3, 6, 10, 15, 18, 19 and 23 have been amended to clarify the language therein and maintain a proper antecedent basis for limitations therein.

In the Official Action, the Examiner rejected Claims 1, 7 and 10-17 under 35 U.S.C. § 102, as being clearly anticipated by Crumley, et al., U.S. Patent 5,813,262. The Examiner stated that the Crumley, et al. reference disclosed a pair of closeable ring portions formed by the interlocking triangularly shaped clasp ends, with a roughened means to angularly displace the clasp ends to allow release thereof. The Examiner further stated that the rings define a gap therebetween and are biased to tension, thereby preventing opening until the angular displacement via the element 58.

Before discussing the reference relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a locking assembly that includes a pair of closeable devices secured together in contiguous overlaying relationship and is slideably displaceable, each relative to the other. Each of the closeable devices has opposing end portions

defining a closeable gap therebetween. The assembly includes a clasp disposed on the opposing end portions of each of the closeable devices. The clasp is operable to selectively retain the opposing end portions in an overlapping relationship or release the opposing end portions to define the closeable gap. The clasp of both closeable devices are simultaneously inoperable responsive to one of the pair of closeable devices being disposed in a first position relative to the other of the closeable devices. The clasp of both closeable devices being simultaneously operable responsive to the one of the pair of closeable devices being disposed in a second position relative to the other of the closeable devices.

In contradistinction, the Crumley, et al. reference discloses a key ring assembly having an inverted generally new-shaped upper end and integral, spaced downwardly divergent legs bearing integral grippers at their lower ends. It is respectfully submitted that even considering the downwardly extending legs to be one closeable device and the upper inverted U-shaped portion to be another, those devices are not disposed in contiguous overlaying relationship, each relative to the other. In fact, the two portions are not displaceable relative to each other, such that in a first position the opposing end portions are simultaneously inoperable and in a second position the clasp of both closeable devices are simultaneously operable. The clasp defined by the pair of bars 34 and 36 selectively retain the opposing end portions of what the Examiner is defining as a closeable device. However, the claws 26 and 28 are never disposed in overlapping relationship.

As the reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, it cannot anticipate that invention. Further, as the reference fails to suggest such a combination of elements, it cannot make obvious that invention either.

In the Official Action, the Examiner rejected Claims 8 and 9 under 35 U.S.C. § 103, as being unpatentable over Crumley, et al. in view of Evalt, U.S. Patent 2,432,870. The Examiner stated that the Evalt reference disclosed a key ring having a clasp at the ends comprised of different shapes. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify the clasp ends of Crumley, et al. to either a trapezoidal or L-shape, as taught by Evalt.

It is respectfully submitted that the Evalt reference does not overcome the deficiencies of Crumley, et al. Although Claims 8 and 9 are now believed to be dependent upon a patentably distinct claim, and are therefore patentably distinct for at least the same reasons, it is believed that the structure of Evalt is not properly combinable with the key ring assembly of Crumley, et al. The device of Crumley, et al. utilizes a bar 36 having a plurality of teeth 40 formed thereon for selective engagement with the depending tooth 37 of the bar 36, to thereby maintain the claws 26 and 28 fixed in a predetermined position one with respect to the other. Whereas the clasp end configurations of Evalt provide for a single engaging position. Thus, the incorporation of the structure of Evalt in the key ring

of Crumley, et al. would destroy the utility of the Crumley, et al. key ring, as the claw portions would no longer be adjustably clampingly engaged by a selective engagement between the corresponding teeth of the two arms 34 and 36. Thus, there would be no motivation for the combination suggested by the Examiner. For these reasons, it is believed that Evalt is not properly combinable with Crumley, et al. to make obvious the invention of the subject Patent Application.

In addition to the amendment of Claims 1 and 17 to add the limitation of the closeable devices being in contiguous overlaying relationship, to make clear the distinction between the instant invention and Crumley, et al., Claims 1 and 17 have also been amended to clarify the respective displacement of the closeable devices, as being slideable. The addition of the term - - slideably - - is being made strictly for clarification, and is not believed necessary to distinguish the invention of the subject Patent Application from the prior art. As a result of that clarification, it was necessary to similarly amend Claims 10 and 15 to provide consistency therewith. Further, in order to maintain antecedent basis with the now defined overlaying relationship of the closeable devices, Claims 2, 3, 6, 18, 19 and 23 were also amended.

MR3209-2
Serial Number: 10/644,814
Reply to Office Action dated 16 March 2004

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE

A handwritten signature in black ink, appearing to read "David I. Klein". The signature is fluid and cursive, with a large initial "D" and "K".

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Dated: *11 June 2004*

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